

## **IN THE CLAIMS:**

Please cancel claims 2, 4, and 6 without prejudice. This listing of claims replaces all prior versions and listings of claims in the application:

### **Listing of Claims**

1. (Previously Presented) A transformant comprising a host cell, wherein a polyhydroxybutanoic acid polymerase gene in the host cell is disrupted with a recombinant vector containing a polyester polymerase gene, a  $\beta$ -ketothiolase gene, and a NADPH-acetoacetyl CoA reductase gene,

wherein the polyester polymerase gene comprises a DNA encoding a protein selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:2 or 4, and

(b) a protein having an amino acid sequence including deletion, substitution, or addition between 2 and 10 amino acids relative to the amino acid sequence represented by SEQ ID NO:2 or 4, and having polyester polymerase activity,

wherein the  $\beta$ -ketothiolase gene comprises a DNA encoding a protein selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:6, and

(b) a protein having an amino acid sequence including deletion, substitution, or addition of between 2 and 10 amino acids relative to the amino acid sequence represented by SEQ ID NO:6, and having  $\beta$ -ketothiolase activity, and

wherein the NADPH-acetoacetyl CoA reductase gene comprises a DNA encoding a protein selected from the group consisting of:

(a) a protein having an amino acid sequence represented by SEQ ID NO:8, and

(b) a protein having an amino acid sequence including deletion, substitution, or addition of between 2 and 10 amino acids relative to the amino acid sequence represented by SEQ ID NO:8, and having NADPH-acetoacetyl CoA reductase activity.

2. (Canceled)

3. (Previously Presented) The transformant of claim 1, wherein the polyester polymerase gene comprises a nucleotide sequence represented by SEQ ID NO: 1 or 3.

4. (Canceled)

5. (Previously Presented) The transformant of claim 1, wherein the  $\beta$ -ketothiolase gene comprises a nucleotide sequence represented by SEQ ID NO:5.

6. (Canceled)

7. (Previously Presented) The transformant of claim 1, wherein the NADPH-acetoacetyl CoA reductase gene comprises a nucleotide sequence represented by SEQ ID NO:7.

8. (Previously Presented) The transformant of claim 1 wherein the host cell is a bacterium belonging to the genus *Pseudomonas* or the genus *Ralstonia*.

9. (Original) The transformant of claim 8, wherein the bacterium belonging to the genus *Pseudomonas* is *Pseudomonas* sp. strain 61-3 (JCM10015).

10. (Currently Amended) A method of producing copolymer polyester comprising culturing the transformant of any one of claims ~~1 to 9~~ 1, 3, 5, 7-9, and collecting polyester from the culture product.

11. (Original) The method of producing copolymer polyester of claim 10, wherein the polyester comprises 3-hydroxyalkanoic acid units with a carbon number of 4 to 12.

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12. (Original) The method of producing copolymer polyester of claim 11,  
wherein the 3-hydroxyalkanoic acid units contain 3-hydroxybutanoic acid with 80 to  
95% molar fraction.

Claims 13-15. (Canceled)